

of religious faith in entire antagonism to the general sentiment of the whole community can properly exercise jurisdiction over them as a chief magistrate. His sympathies and feelings are supposed to be so far alienated from the sympathies and feelings of the citizens of the State and the whole groundwork of its institutions, that he cannot be a fit man to exercise the power of government over that people. It is perfectly true that if you attempt to go into the differences which divide the parties or the sects in the community, where the people may honestly differ in some points without differing in all, that would be a distinction which would not necessarily conflict with the proper performance of official duties. And if the oath were obnoxious to the charge made by the gentleman from Somerset this morning, that it is in violation of the constitution, or if it were in conflict with customs of society or with party feelings, it would be offensive.

This brings me back to the discussion what this section means; whether the things placed here are such things as are necessary to be placed in the organic law in order to secure to the people rulers who can govern them under circumstances calculated to promote peace and order in the State. We must look facts in the face, as to the condition of things in which we are. I do not ask any man to swear here that he has not sympathized with anything. I do not ask him to swear that he believes the war is the way to restore the government. I do not ask him to believe that the abolitionists brought on the war, or that the secessionists brought on the war. I do not ask him to say whether the war is properly or improperly prosecuted. I do not ask him to say whether it is prosecuted upon the same principles with which it was commenced, or whether those principles have been violated. I only ask him when these different principles and policies have culminated in hostilities, when two governments, whether in fact or in right, have been fighting on the field of battle for three years with two opposite standards, to say whether he is on the one side of that contest, or whether he is on the other.

I care not what may be a man's feelings, so far as the legal question is concerned; I care not whether he holds that the war is defensible or indefensible; I care not what he considers the cause of the hostilities; there has been a constant waging of war between the *de facto* government on the one side, and the government of the United States on the other; and I say there is a broad line of distinction, and everybody must stand upon one side or the other, or he cannot be fit to exercise the powers of government over any community on the one side or the other.

Gentlemen seem to have some doubt as to what the word "loyal" means. Can there be any doubt about it? What does it mean?

It means that a man obeys the law and the government under which he lives; that he is obedient. Can a man be obedient to the law and the government under which he lives, if he does not recognize at all the government under which he lives, and if his feelings, and wishes, and hopes, and prayers, are all on the side of some other government which he wishes to destroy the government under which he lives? What sort of obedience to the laws is that? What sort of loyalty is it?

There is a very simple definition of the term loyalty. If a man is a citizen of this country, he is entitled to exercise all its privileges. But if he has by his own act and by his own will placed himself outside of that citizenship, he has no claim to exercise the functions of government. Taken practically, what does it mean? There are in this country two representative banners, one of which is the flag under which we were born, and the other is the revolutionary standard which has been raised against it. I ask if there is a man in this house, if there is a man in this State, if there is a man in this country that does not instinctively feel that he is in favor of one flag or the other? Is there a man, when he sees one or the other floating in proud grandeur in the breezes of heaven, that does not feel coming back responsive from his heart the electric throb of sympathy with the one or the other? He must be something more or less than a man who has not some such feeling.

The people have no difficulty with the subject. You may go among this population in Maryland, and if you can only get close enough to know, there is no doubt whatever upon which side they are. There are a certain class of them who regard the flag of that government under which they live, and which gentlemen here profess to be bound to obey, as the flag of a foreign nationality to which they owe no obligation. They take pains to style it Mr. Lincoln's flag, and as a flag under which they are not willing even to walk when it floats over the pavement over which they are obliged to tread. They recognize the flag upon the other side as the "bonny blue banner" with which their sympathies are entwined, as it waves over the field of conflict, as the flag of Jeff. Davis, which they are proud enough to honor, whenever they can honor it in a sufficiently low voice not to be heard.

My friend from Prince George's (Mr. Belt,) in his argument to-night, has made a reference to history which illustrates this whole thing. He referred to the declarations of Chatham, and Burke, and Fox, at the time of our revolution. Does not everybody know that the Earl of Chatham died almost at his place in the house of lords making a speech against the recognition of American independence? Does any man suppose that the Earl of Chatham would have had any hesita-